



CITY OF LODI
COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1744 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 9 – Public Peace, Morals, and Welfare, Chapter 9.08, 'Offenses Against Property,' by Repealing and Reenacting Section 9.08.150 of the Lodi Municipal Code Relating to Vehicles"

MEETING DATE: March 17, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1744.

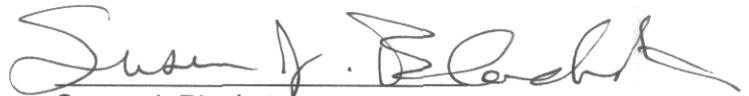
BACKGROUND INFORMATION: Ordinance No. 1744 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 9 – Public Peace, Morals, and Welfare, Chapter 9.08, 'Offenses Against Property,' by Repealing and Reenacting Section 9.08.150 of the Lodi Municipal Code Relating to Vehicles" was introduced at the regular City Council meeting of March 3, 2004.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the Interim City Attorney.

FUNDING: None required.


Susan J. Blackston
City Clerk

SJB/JMP
Attachment

APPROVED: _____
H. Dixon Flynn, City Manager

ORDINANCE NO. 1744

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING
TITLE 9 – PUBLIC PEACE, MORALS, AND WELFARE, CHAPTER 9.08,
“OFFENSES AGAINST PROPERTY,” BY REPEALING AND REENACTING
SECTION 9.08.150 OF THE LODI MUNICIPAL CODE RELATING TO VEHICLES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Section 9.08.150 “Vehicles” of the Lodi Municipal Code is hereby repealed and reenacted to read as follows:

9.08.150 Vehicles.

No person shall stop, park, or leave standing a vehicle at any time within or upon any posted property without written permission of the owner, tenant, or the occupant in legal possession or control thereof. Vehicles parked in violation of this requirement may be removed at the vehicle owner’s expense. Violations of this requirement are deemed to be an infraction.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner, which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the “Lodi News-Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this 17th day of March, 2004


LARRY D. HANSEN
Mayor

Attest:


SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1744 was introduced at a regular meeting of the City Council of the City of Lodi held March 3, 2004, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held March 17, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1744 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


SUSAN J. BLACKSTON
City Clerk

Approved as to Form:


D. STEPHEN SCHWABAUER
Interim City Attorney